

# **Exhibit 24**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

COALITION FOR TJ,

Plaintiff,

-V-

FAIRFAX COUNTY SCHOOL  
BOARD,

Defendant.

No. 1:21-cv-00296-CMH-JFA

(b) (6) DEPOSITION OF FAIRFAX COUNTY SCHOOL BOARD  
BY AND THROUGH ITS DESIGNATED REPRESENTATIVE

STELLA PEKARSKY

Wednesday, October 27, 2021

9:05 a.m.

Job No.: 408658

Pages: 1 - 74

Reported by: Paula Flint

1           30 (b) (6) DEPOSITION OF FAIRFAX COUNTY SCHOOL  
2 BOARD, by and through its designated  
3 representative, STELLA PEKARSKY, conducted at the  
4 law offices of:

5  
6  
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13          Pursuant to agreement, before Paula Flint,  
14 Notary Public of the Commonwealth of Virginia.

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\*      \*      \*

1 Q. Did the board take any votes on this  
2 proposal or this white paper?

3 A. No.

4 Q. Did the board direct staff to take any  
5 actions related to this document?

6 MS. JUDKINS: Direct whom? I'm sorry.  
7 I didn't hear you.

8 Q. Did the board direct staff to take any  
9 action related to this document?

10 A. I do not recall, no.

11 Q. In 2020 was the board presented with  
12 any proposals to alter the TJ admissions process  
13 prior to this document that was received in May?

14 MS. REWARI: Objection, outside the  
15 scope.

16 Q. You can answer.

17 A. Not that I know of.

18 Q. Not that you know of?

19 A. No.

20 Q. You can set this aside. I'm going to  
21 move into September.

22 Did the board hold a work session on



1 September 15, 2020?

2 A. Yes.

3 Q. And was there a presentation at that  
4 work session on a proposal to alter the TJ  
5 admissions process?

6 A. Yes.

7 Q. And what are you referring to, to help  
8 you answer this?

9 A. I am looking at the -- under the  
10 presentation, agendas and transcripts of the work  
11 session.

12 Q. Who made that presentation?

13 A. That presentation was made by staff,  
14 in particular Dr. Brabrand, Mr. Smith and  
15 Mr. Shughart.

16 Q. Did the school board ask the  
17 superintendent to create that proposal?

18 A. Not to my knowledge, no.

19 Q. Did the superintendent present it on  
20 his own initiative?

21 MS. REWARI: Objection, lack of  
22 foundation, calls for speculation.

1 Q. You can answer if you know.

2 A. As far as I know, yes.

3 Q. And was the proposal that was  
4 presented, was that the merit lottery proposal?

5 A. Yes.

6 Q. So let's move to October. Moving  
7 right along.

8 Did the board hold a work session on  
9 October 6, 2020?

10 A. Yes.

11 Q. And are you referring to any documents  
12 to help you answer that question?

13 A. Yes.

14 Q. Which ones?

15 A. I am looking at the agendas, minutes  
16 and transcripts and presentations that are in my  
17 binder.

18 Q. Were the TJ admission changes  
19 discussed at that work session?

20 A. Yes.

21 Q. And what was discussed at that work  
22 session, what changes in particular?

1           A.     Staff presented the revised merit  
2     lottery proposal and addressed changes made from  
3     the original proposal on September 15, 2020.

4           Q.     Was public comment allowed at that  
5     work session?

6           A.     No.

7                   MS. JUDKINS:   Objection to the form.  
8                   Go ahead.

9           A.     No.   Public comment does not happen in  
10    work sessions.

11          Q.     Is that a comment of all work  
12    sessions, that comment is not allowed at all work  
13    sessions?

14                  MS. JUDKINS:   Just objection to the  
15    form, allowed.

16          A.     There is no public comment at work  
17    sessions.

18          Q.     Did the board take a vote to eliminate  
19    the TJ admissions test at the September 6 work  
20    session?

21          A.     Yes.

22          Q.     And did the board hear any public

1 comment on the decision to eliminate the exam at  
2 that work session?

3 MS. REWARI: Objection, vague.

4 Q. You can answer.

5 A. The board had heard lots of public  
6 comment regarding TJ and the admissions tests and  
7 the policy and process through many different  
8 avenues, not at this work session.

9 Q. Did the board instruct staff to  
10 undertake public engagement on the decision to  
11 eliminate the test after that work session  
12 finished?

13 MS. REWARI: Objection, vague. Did  
14 the board do it after or did staff do it after?  
15 I'm confused by your question.

16 MS. WILCOX: Sure.

17 BY MS. WILCOX:

18 Q. Did the board instruct staff that  
19 after the work session was over to go out and  
20 undertake public comment on the decision to  
21 eliminate the TJ admissions test?

22 A. Can you clarify the question as to

1 when you are asking me about?

2 Q. Sure. Following the work session to  
3 eliminate the test. So after that time.

4 A. Okay. There were no motions to direct  
5 the superintendent to do that at that meeting.

6 Q. Did the board consider eliminating the  
7 TJ admissions exam to have the potential to be  
8 controversial among the community?

9 MS. REWARI: Objection, outside the  
10 scope, calls for individual understandings. And  
11 so it's outside the scope. Any answer she gives  
12 would be in her individual capacity and not by  
13 the board.

14 MS. JUDKINS: Object to the form,  
15 calls for an opinion.

16 Go ahead.

17 A. The board never took any position on  
18 the controversial nature of any changes.

19 Q. Did the board -- I know the board --  
20 you've testified the board did not take public  
21 comment at the work session. Did the board hear  
22 public comment on eliminating the exam outside of

1 that board session?

2 MS. REWARI: Objection, asked and  
3 answered and also outside the scope, to the  
4 extent it asks for individual board member  
5 accounts. So any testimony she gives will be in  
6 her individual capacity, not bound by the board.

7 A. Restate the question.

8 Q. You testified that public comment did  
9 not occur at the October 6 work session. Did the  
10 board hear public comment on eliminating the TJ  
11 test outside of that work session?

12 A. I cannot --

13 MS. REWARI: Object to the form,  
14 outside the scope.

15 A. I cannot speak on behalf of the board  
16 on this. I can say that the board hears public  
17 comment at our regular meetings. We hear regular  
18 comment through emails that are received, through  
19 town halls, individually through, you know,  
20 meetings with constituents.

21 Q. But the only time that the full board  
22 would hear constituent feedback would be at a

1 board meeting. Is that correct?

2 MS. REWARI: Object to the form.

3 A. No. The board as whole often gets  
4 emails from people that are sent to the entire  
5 board.

6 Q. Okay.

7 (Exhibit 3 marked for identification  
8 and attached to the transcript.)

9 BY MS. WILCOX:

10 Q. Ms. Pekarsky, was there a closed board  
11 work session on October 6, 2020?

12 A. I would have to check. Yes.

13 Q. And do you recognize the document  
14 that's been marked as Pekarsky 3?

15 A. I don't recall this exact document.  
16 It says at the top that it came from the closed  
17 session on October 6.

18 Q. Do you know who presented this to the  
19 board?

20 A. I do not recall.

21 Q. Did the board request the information  
22 that was contained in this document?

1           A.     Let me look at my binder. To the best  
2 of my knowledge, the board didn't have an actual  
3 motion to request this approach.

4           Q.     Okay. Did the board vote or take a  
5 vote on this approach that's presented here?

6           MS. REWARI: Objection. You're  
7 talking about now on Exhibit 3?

8           MS. WILCOX: Yes.

9           MS. REWARI: You're asking if there  
10 was a vote on October 6 or any time after that on  
11 this document. Is that right?

12          MS. WILCOX: Yes. I'm asking if there  
13 was a vote on this document that's Pekarsky 3.

14          A.     To the best of my knowledge we didn't  
15 take an actual vote on this approach.

16          Q.     Did the board take any other actions  
17 on this document that's marked as Pekarsky 3?

18          MS. REWARI: Objection, vague.

19          A.     I need you to restate that.

20          Q.     You said the board did not take a vote  
21 on this document. Is that correct?

22          A.     An official vote.



1 Q. Did the board take an unofficial vote  
2 on this document?

3 MS. JUDKINS: Objection to the form.

4 A. This was just a hybrid lottery  
5 approach that was presented to the board and the  
6 board had discussions.

7 Q. Besides discussion did the board take  
8 any other action on this document?

9 MS. REWARI: Objection, vague.

10 Q. You can answer.

11 A. I believe I answered. We didn't take  
12 any motions on this document or this approach.

13 Q. Can I draw your attention to the  
14 section on page one that's entitled evaluation  
15 elements? Do you see what I'm talking about  
16 there?

17 A. Yes.

18 Q. What are the -- let me rephrase that.

19 Is it fair to characterize the  
20 evaluation elements as a scoring rubric proposal?

21 MS. JUDKINS: Objection to the form,  
22 the document speaks for itself.

1 MS. REWARI: I'm going to object it's  
2 outside the scope. She already said they didn't  
3 vote on this. So this is outside the scope. Any  
4 testimony she gives is going to be in her  
5 individual capacity.

6 MS. JUDKINS: I want to make an  
7 additional objection that there's been lack of  
8 foundation. Who prepared this document? As  
9 she -- you've established that she has knowledge  
10 specifically of what that means. All you've  
11 established is that she can say that pursuant  
12 to -- that that document was at the meeting. But  
13 if she's going to be testifying in her individual  
14 capacity and she didn't prepare the document and  
15 they didn't vote on it as an official document,  
16 what it means is just speculative at this point.  
17 But maybe you can clarify that.

18 MS. WILCOX: All right. Let me just  
19 move past that but with one more question, that  
20 you should be able to testify as a board member,  
21 I assume.

22 BY MS. WILCOX:

1 Q. Had the board previously been  
2 presented with evaluation elements similar to  
3 what's in Pekarsky 3 here?

4 MS. REWARI: Objection to the form,  
5 vague.

6 A. You're going to have to restate it.  
7 I'm not exactly sure what you're asking.

8 Q. Is this the first time that the board  
9 had been presented with a proposal that contained  
10 evaluation elements?

11 MS. REWARI: Object to the form,  
12 outside the scope and also vague. It's not  
13 limited in time. It's not clear what you're  
14 asking.

15 MS. WILCOX: I'm limit my question to  
16 the fall of 2020.

17 MS. REWARI: I still object to  
18 vagueness and outside the scope.

19 But you can answer if you understand  
20 the question and any testimony you give will be  
21 individual.

22 MS. WILCOX: This relates back to

1 proposals to change the TJ admissions process in  
2 2020. That's within the scope.

3 MS. REWARI: Which topic of proposal.  
4 There's decision.

5 MS. WILCOX: Decision, this is part of  
6 the decision.

7 MS. REWARI: It's -- the topics for  
8 decision, you're asking if there was a proposal.  
9 So she can answer if she can answer individually,  
10 if she has knowledge to do that.

11 A. I'm not exactly sure what I'm being  
12 asked. I can't answer that.

13 Q. In this document there's a section  
14 entitled evaluation elements. Yes; right?

15 A. Yes.

16 Q. And this document was presented to the  
17 board at a closed work session in October,  
18 correct?

19 A. That's what it says at the top of the  
20 page.

21 Q. Had the board been presented with  
22 evaluation and elements previously in 2020?

1 MS. REWARI: Object to the form, vague  
2 and outside the scope of her deposition topics.

3 A. I don't recall. I don't recall.

4 Q. Okay. You can put that aside.

5 Did the board hold a regular meeting  
6 on October 8, 2020?

7 A. Yes.

8 Q. Were the changes to the TJ admissions  
9 process discussed at that meeting?

10 A. Yes.

11 Q. And what are you consulting to answer  
12 that question?

13 A. I'm looking at my binder with the  
14 meeting minutes, transcripts and presentations.

15 Q. Did the board take public comments on  
16 the TJ admissions changes at that meeting?

17 MS. REWARI: Objection to form.

18 A. The board takes public comments at all  
19 regular meetings.

20 Q. So that's a yes to my question?

21 A. Correct.

22 Q. At this meeting on October 8, were

1       there motions to direct the superintendent to  
2       develop and implement a stakeholder engagement  
3       plan?

4             A.       Yes.

5             Q.       What was the purpose of the  
6       stakeholder engagement plan?

7                    MS. REWARI: Object to the form,  
8       outside the scope.

9             A.       I can read the motion.

10       Ms. Sizemore-Heizer moved and Ms. Tholen  
11       seconded, to direct the superintendent to develop  
12       and implement a stakeholder engagement plan  
13       regarding TJ admissions prior to bringing the  
14       updated TJ plan to the board in November. The  
15       plan should allow for more thorough community  
16       input and dialog on TJ admissions. The  
17       stakeholder engagement can include public  
18       hearings, interviews, panel and focus group  
19       discussions and other forms of collaborative  
20       discourse.

21             Q.       Did that motion pass?

22                    MS. JUDKINS: I'm just going to object

1 to the extent it's a matter of public record.

2 She can go through the record. I'm not telling

3 her not to answer.

4 A. Yes, this motion failed.

5 Q. The motion failed. Why did the motion  
6 fail?

7 MS. REWARI: Object to the form,  
8 outside the scope. The votes speak for  
9 themselves. She can't address why individual  
10 board members voted the way that they did.

11 Q. Was there discussion at the meeting  
12 about that motion?

13 A. There's discussion on motions at our  
14 meetings, yes.

15 Q. Do you recall if there was discussion  
16 on that specific motion?

17 A. Yes.

18 Q. Did the motion fail because of  
19 concerns about extending the timeline of the  
20 TJ admissions process?

21 MS. REWARI: Object to the form,  
22 outside the scope. It's asking for individual

1 board members' motivations for their votes.

2 A. Yeah. The board didn't take a  
3 position as to why this motion failed. It was  
4 presented and it failed. 0-7-5 abstentions.

5 Q. Did the board consider the TJ  
6 admissions changes at any other regular board  
7 meeting between October 8 and December 17?

8 MS. JUDKINS: Again, I will object  
9 only to the extent it's a matter of public  
10 record. She can take all the time she needs to  
11 go through these documents to confirm that,  
12 whether they did or not.

13 Q. Please.

14 A. Sure. Can you restate the dates  
15 again?

16 Q. October 8 and December 17.

17 A. Between that time?

18 Q. Yeah.

19 A. So restate the question again, please.

20 Q. Sure. Were there -- did the board  
21 consider TJ admissions changes at any other  
22 regular board meetings between October 8 and



1 December 17?

2 A. Not admissions changes, no.

3 Q. That's what I thought. I just wanted  
4 to make sure we hadn't missed anything.

5 A. Can I go back to that question?

6 Q. Sure.

7 A. I need to add to that. So we did have  
8 a motion on the October 22 meeting by Ms. Derenak  
9 Kaufax to address some of the systemic issues  
10 that impact TJ's admission. So there was this  
11 discussion.

12 Q. What was the result of that motion?

13 MS. JUDKINS: Objection. Matter of  
14 public record.

15 A. That motion passed, 11 to zero, zero  
16 abstentions.

17 Q. What tab are you looking at there?

18 A. Actually, I'm sorry. Four B.

19 Q. Great, thank you.

20 (Exhibit 4 marked for identification  
21 and attached to the transcript.)

22 BY MS. WILCOX:

1 Q. I'm going to ask you general questions  
2 about this. So not detailed questions about the  
3 whole thing. Just let me know when you're ready  
4 for that.

5 A. Okay. Actually, before we do this can  
6 we just take a quick break?

7 Q. Yeah, absolutely.

8 (A recess was taken.)

9 BY MS. WILCOX:

10 Q. If you could just take a minute to  
11 look over this. Like I said, I'm going to ask  
12 you some general questions, no specific details.

13 A. Okay.

14 Q. I take that back. I will ask you  
15 about page 25, which is Appendix B, if you want  
16 to take a special look at that.

17 A. Okay. (Reviewing.) Okay.

18 Q. Do you recognize this document that's  
19 been marked as Pekarsky 4?

20 A. Yes.

21 Q. What is it?

22 A. This was a document that was shared

1 with the board by Dr. Brabrand and staff.

2 Q. Did the school board ask the staff to  
3 create this white paper -- or this document?

4 A. To my knowledge, there was no motion  
5 that directed the superintendent to bring this  
6 document to us, no.

7 Q. Did the board discuss this white paper  
8 at a board meeting?

9 A. The board as a body didn't, to my  
10 knowledge, discuss specifically this paper. I  
11 don't recall that, no.

12 Q. Was this document presented to the  
13 board? You know that's correct?

14 A. This document was -- this document  
15 was -- this document was made publicly available  
16 as part of our agenda for the December 7 meeting.

17 Q. And who created this document?

18 A. To the best of my knowledge, staff.  
19 Staff provided this document.

20 Q. Did the board have any input into this  
21 document, to your knowledge?

22 A. This was a document presented to us

1 from staff.

2 Q. And can you turn to Appendix B?  
3 That's going to start on page 25. And what is  
4 Appendix B titled?

5 MS. JUDKINS: Objection to the form,  
6 it speaks for itself.

7 Go ahead.

8 Q. If you could read the title --

9 A. Details on modeling.

10 Q. And is it accurate to say that  
11 Appendix B contains demographic modeling within  
12 the regions that are proposed in this document or  
13 that are discussed in this document? Excuse me.

14 MS. REWARI: Object to form, lack of  
15 foundation by -- the topics are different than is  
16 on the modeling topic.

17 MS. JUDKINS: And I'll just object to  
18 the form and state the document speaks for  
19 itself.

20 MS. WILCOX: Sure.

21 MS. JUDKINS: Go ahead.

22 A. Yeah. You would have do reword that

1 for me.

2 Q. Sure. Is it accurate to say that  
3 Appendix B contains demographic modeling?

4 MS. REWARI: Object to the form, lack  
5 of foundation, outside the scope of this  
6 witness's designation.

7 A. This has -- this part of the  
8 presentation, entitled details on modeling, has  
9 two tables that show two models.

10 Q. Did the board discuss this modeling  
11 that's presented in this appendix during the  
12 meeting where this paper was presented?

13 A. The board didn't take any official  
14 position on either one of these models.

15 Q. Okay. You can set that aside. Did  
16 the board hold a work session on December 7,  
17 2020?

18 A. We did.

19 (Exhibit 5 marked for identification  
20 and attached to the transcript.)

21 BY MS. WILCOX:

22 Q. If you could just review this. I know

1 you already have a copy, but I'm going to ask you  
2 off of this one so we're on the same page.

3 A. Sure. (Reviewing.) Okay.

4 Q. I want to draw your attention to  
5 page two, item 2.02. Down at the bottom.

6 A. Okay.

7 Q. And the third bullet where it says,  
8 Staff presented a new hybrid merit lottery option  
9 and the new holistic review option. And I just  
10 wanted to ask, is this work session the first  
11 time that the board had been presented with the  
12 holistic review option?

13 MS. REWARI: Object to the form.

14 A. I need to better understand what you  
15 mean by holistic review option.

16 Q. Okay. At this meeting did  
17 Superintendent Brabrand present two options for  
18 the TJ admissions process?

19 A. Staff did present two options, yes.

20 Q. What were those two options?

21 A. I would have to go through my papers  
22 to -- so the superintendent presented two

1 approaches. One that he named the hybrid merit  
2 lottery revised, and another one he named the  
3 holistic review. And those can be found in the  
4 official agenda attachments.

5 Q. Great. And was that presentation the  
6 first time that the board had been made aware of  
7 the holistic review plan?

8 MS. REWARI: Again, object to the  
9 form, to the extent it's asking for when  
10 individual board meetings learned of the holistic  
11 option. She's -- the board can't, as a body,  
12 answer that question. She can answer it in her  
13 individual capacity but it's not a question  
14 that --

15 MS. WILCOX: I can rephrase.

16 BY MS. WILCOX:

17 Q. Was this the first time the holistic  
18 review plan had been presented to the board as a  
19 body?

20 MS. REWARI: Object to the form. The  
21 document speaks for itself. It's got different  
22 dates on it.

1 MS. JUDKINS: The only objection I  
2 make is, if it -- the record of what's presented  
3 to the board is public, and it's a large record.  
4 So if there's any other documentation in there  
5 that says it was and she's just not able to  
6 recollect individually, individually I reserve  
7 that objection.

8 A. So to the best of my knowledge this  
9 was the first time that this approach was brought  
10 to the board in a work session.

11 Q. Does the board release documents like  
12 this to the public prior to work sessions or  
13 school board meetings?

14 MS. REWARI: Object to the form,  
15 outside the scope.

16 A. Can you restate that?

17 Q. Sure. I'm wondering, is it a practice  
18 of the board to make documents that it will be  
19 considering at meetings public?

20 MS. REWARI: Object to the form,  
21 outside the scope of her topics.

22 A. All documents are public, publicly



1 available on our website.

2 Q. Okay. So was this presentation that  
3 presents the two admissions policy options, was  
4 that released to the public ahead of this  
5 meeting, this school board meeting?

6 A. I don't know. As a practice all of  
7 our materials are publicly available while we're  
8 in a meeting.

9 Q. Did the board hear any public comments  
10 on the holistic review plan at the December 7  
11 work session?

12 A. No.

13 Q. Did the board hear any public comment  
14 on the hybrid merit lottery plan at the  
15 December 7 work session?

16 A. Work sessions do not have public  
17 comment.

18 Q. And then if you could look at the  
19 second bullet under 2.02, where it says staff  
20 presented previous proposals and two admissions  
21 options for board action at the December 17, 2020  
22 regular meeting, including stakeholder engagement

1 efforts. I wanted to ask you what stakeholder  
2 engagement efforts were implemented, if any?

3 MS. REWARI: Object to the form,  
4 outside the scope.

5 MS. JUDKINS: Yeah, I'll just --

6 MS. REWARI: And also vague.

7 MS. JUDKINS: I'll just object to the  
8 extent that it would -- this information would be  
9 available publicly through minutes and/or actual  
10 board meeting, recordings of actual board  
11 meetings.

12 Go ahead.

13 A. I don't have any specific knowledge to  
14 add to this right now. Like I said, the board  
15 hears public comment in numerous ways to include  
16 our public meetings, through emails, individual  
17 town halls, meetings with constituents.

18 Q. Did the board engage in any specific  
19 stakeholder engagement efforts following this  
20 December 7 work session?

21 MS. REWARI: Object to the form, vague  
22 and outside the scope.

1           A.     We had a public meeting on December 17  
2 where there was public comment.

3           Q.     Great. Well, I was going to ask you  
4 about that December 17 meeting next.

5                     So the school board did have a regular  
6 meeting on December 17. Is that correct?

7           A.     Yes.

8           Q.     And did that meeting include motions  
9 related to changes to the TJ admissions process?

10          A.     Yes.

11          Q.     Does the board have a policy for how  
12 far in advance of a meeting motions should be  
13 posted?

14                     MS. JUDKINS: Objection to the form.  
15 That's a matter of public record.

16                     MS. REWARI: I object to the form.  
17 This is outside the scope of any of the topics  
18 for which she's been designated.

19          Q.     You can answer if you're able.

20          A.     The board has a governance manual.

21          Q.     Does it cover that topic?

22          A.     I can't answer that right now. I

1 don't have that.

2 Q. Are members of the public able to see  
3 what motions are posted in advance of a meeting?

4 MS. REWARI: Objection to the form,  
5 calls for speculation and it's also outside her  
6 topics.

7 MS. JUDKINS: Do you mean what motions  
8 are going to be made at a meeting?

9 MS. WILCOX: Uh-huh. I do, yes.

10 MS. JUDKINS: It's a matter of public  
11 record and law what has to be posted in advance  
12 of a meeting in Virginia.

13 MS. WILCOX: Sure.

14 MS. JUDKINS: So to the extent she  
15 knows what has to be posted beyond what is  
16 available to the public, she can answer it. But  
17 it's asking a question that it doesn't allow any  
18 discretion on the part of board members as to  
19 what to post in advance of a meeting.

20 MS. WILCOX: Okay. That's fine.

21 MS. JUDKINS: And anybody can look it  
22 up.

1                   Go ahead.

2           A.     Can you repeat it?

3           Q.     After that I'm not sure I remember the  
4           question.

5                   MS. WILCOX: Can you read the question  
6           back?

7                   (The Reporter read from the record as  
8           follows: "Q. Are members of the public able to  
9           see what motions are posted in advance of a  
10          meeting?")

11   BY MS. WILCOX:

12          Q.     Are members of the public able to see  
13          what motions are -- have been posted in advance  
14          of a meeting?

15                   MS. REWARI: Object to the form.  
16          Outside her topics, lacks foundation and also  
17          calls for speculation as to what the public can  
18          see and can't see.

19          A.     So all meetings are open to the public  
20          and under Robert's Rules, motions can be brought  
21          at any time during a meeting.

22                   (Exhibit 6 marked for identification

1 and attached to the transcript.)

2 BY MS. WILCOX:

3 Q. Again, I know you have a copy of this  
4 but it's just the one I'm going to work off of.

5 A. Sure.

6 Q. Do you recognize this document?

7 A. Yes.

8 Q. What is it?

9 A. These are the minutes from our regular  
10 meeting on December 17, 2020.

11 Q. I would like to ask you about a motion  
12 that is on page four. Page numbers are at the  
13 top.

14 A. Okay.

15 Q. Middle of the page and it says  
16 Ms. Tholen moved, Ms. Pekarsky seconded. If you  
17 could just review that quickly. Not quickly.  
18 Take your time.

19 A. (Reviewing.)

20 Q. So I'm looking at what I believe is  
21 the second sentence that begins, A diverse  
22 student body that includes a wide variety of

1 backgrounds. Do you see that sentence?

2 A. Yes.

3 Q. First let me ask, did this motion  
4 pass?

5 A. This motion passed.

6 Q. And the board speaks through its  
7 motions. Is that accurate? Or through its  
8 votes.

9 A. Correct.

10 MS. REWARI: Objection, calls for a  
11 legal conclusion.

12 Q. So where it says a diverse student  
13 body, does that include racial diversity?

14 A. The board did not define through its  
15 motion what diverse means.

16 Q. Does that include racial diversity?

17 MS. REWARI: Object, asked and  
18 answered. She already answered on behalf of the  
19 board.

20 Q. Was it the board's position that TJ  
21 was not racially diverse enough before the 2020  
22 admissions changes?

1 MS. REWARI: Object to the form.

2 A. The board never took a position or any  
3 motions to that effect.

4 Q. Is it the board's position that TJ was  
5 not representative of Fairfax County Public  
6 Schools?

7 MS. REWARI: Object to the form.  
8 Outside the scope of her topics. You're asking  
9 her if it's the board's position today?

10 MS. WILCOX: Prior to the 2020  
11 admissions changes.

12 MS. REWARI: Can you ask her that way?

13 BY MS. WILCOX:

14 Q. Prior to the 2020 admissions changes,  
15 was it the board's position that TJ did not  
16 represent -- was not representative of Fairfax  
17 County Public Schools?

18 A. The board didn't take a position on  
19 that.

20 Q. And if you could turn to page six. I  
21 believe at the top. Well, it's sort of in the  
22 middle.



1 Do you see the paragraph where it  
2 says, The board discussed that the percentage of  
3 individual middle schools reflect their  
4 percentage of FCPS population increase diversity?  
5 Do you see that paragraph?

6 A. Yes.

7 Q. Read that to yourself.

8 A. (Reviewing.) Okay.

9 Q. In the board's discussion on that  
10 topic that's described here, did diversity mean  
11 racial diversity?

12 MS. JUDKINS: Objection to the form.

13 MS. REWARI: Object to the form.

14 MS. JUDKINS: The record speaks for  
15 itself.

16 Go ahead.

17 A. Yeah, the discussion was public  
18 record. So that is in the minutes. And the  
19 board didn't take a position as to what the  
20 definition of diversity is.

21 Q. During this discussion was the board  
22 aware of the racial composition of admitted

1 students from each middle school?

2 MS. REWARI: Object to the form to the  
3 extent you're asking for individual awareness of  
4 board members, it's outside the scope of her  
5 topics and also lacks foundation.

6 A. To the best of my knowledge, there was  
7 no information like that presented on this day.

8 Q. We're done with that exhibit here. We  
9 can set that aside. Let's back up just a little  
10 bit.

11 Did the board instruct Dr. Brabrand  
12 and his staff to initiate changes to the TJ  
13 admissions process in 2020?

14 A. The board never took -- the board  
15 never had a motion to direct the superintendent  
16 to do that, to my knowledge.

17 Q. Once that process began did the board  
18 communicate a deadline to staff on when the  
19 changes to the TJ admissions process should be  
20 complete by?

21 A. I would have to look. So restate the  
22 question again.

1 MS. WILCOX: Would you read back the  
2 question?

3 (The Reporter read from the record as  
4 follows: "Q. Once that process began did the  
5 board communicate a deadline to staff on when the  
6 changes to the TJ admissions process should be  
7 complete by?")

8 MS. REWARI: I'm going to object to  
9 the question to the extent it's asking for any  
10 individual direction from individual board  
11 members. She can answer if there's -- if the  
12 board took action as a body.

13 A. I do not believe the board took action  
14 as a body, to my knowledge.

15 Q. Okay, great.

16 (Exhibit 7 marked for identification  
17 and attached to the transcript.)

18 BY MS. WILCOX:

19 Q. You can look this over and let me know  
20 when you're ready.

21 A. (Reviewing.) Okay.

22 Q. So this email was forwarded up at the

1 MS. WILCOX: Sorry. Which racial  
2 group loses seats under the merit lottery.

3 MS. JUDKINS: Object to the form of  
4 the question.

5 MS. REWARI: I'm also going to object,  
6 lack of foundation, calls for speculation and  
7 it's outside the scope of her topics.

8 A. The board didn't analyze the pie  
9 charts and have positions on that question.

10 Q. So these pie charts were not  
11 considered by the board?

12 MS. JUDKINS: Objection.

13 MS. REWARI: Objection,  
14 mischaracterizes her testimony.

15 MS. WILCOX: So I'll ask again.

16 BY MS. WILCOX:

17 Q. Was this part of the presentation  
18 considered by the board when it was deciding  
19 whether to change the TJ admissions process in  
20 2020?

21 MS. REWARI: Object to the form. And  
22 this is asking for individual board members'

1 consideration of individual outcomes. She's  
2 already testified as to what the board was  
3 presented with.

4 A. These were presented to us and there  
5 were no positions taken on these pie charts or  
6 this presentation.

7 Q. Did the board request to see -- after  
8 being presented with this proposal by staff, did  
9 the board request any further modeling on  
10 demographic impacts of the proposal that was  
11 given?

12 MS. REWARI: Object to the form.

13 A. State that again.

14 Q. Sure. After viewing this proposal  
15 from staff in September, did the board request to  
16 see any further demographic modeling related to  
17 the proposal?

18 A. I do not recall any motions to that  
19 effect, no.

20 Q. Are motions the only way that the  
21 board as a body would instruct staff to carry out  
22 further actions related to a proposal?

1 MS. REWARI: Object to the form.

2 A. Again?

3 Q. If the board were to ask for more  
4 information, say, following -- after seeing this  
5 proposal in September, is a motion the only way  
6 that they would instruct staff to do that?

7 MS. REWARI: Object to the form,  
8 vague, board and they. So that question is  
9 vague.

10 A. So the board directs the  
11 superintendent through our motions. So that's  
12 how we direct the superintendent.

13 Q. Okay. And sorry. Just to confirm,  
14 the board did not pass any motions to direct the  
15 superintendent to do further modeling after  
16 reviewing this presentation? I believe you said  
17 that is true.

18 MS. JUDKINS: And I'll just object.  
19 If they had it would be a matter of public  
20 record. Are you asking at this particular  
21 meeting?

22 MS. WILCOX: Yes.

1 MS. JUDKINS: That might be easier.

2 MS. WILCOX: Yes, at this meeting.

3 A. This was September 15, right?

4 Q. Yes, it was.

5 MS. REWARI: While she's looking, I'm  
6 just going to object to the extent that you're  
7 asking her to recount what is in the recorded  
8 meeting that's public and you have a transcript  
9 in this binder. So she can look at it.

10 Q. If you don't recall off the top of  
11 your head I'm fine with you not looking any  
12 further.

13 A. Yeah. I don't recall off the top of  
14 my head, no.

15 Q. That's good enough. We're done with  
16 that presentation. You can set that aside.

17 A. Okay.

18 Q. I think we've got about ten more  
19 minutes and then we'll be done after that.

20 A. Okay.

21 Q. So a couple more questions, or a few  
22 more than that.

1                   In October of 2020, was the school  
2 board required to submit a report to the state  
3 about diversity, equity and inclusion efforts at  
4 TJ?

5           A.       Yes.

6           Q.       Who led the drafting of that report?

7                   MS. REWARI: Object to the form.

8           A.       That report was a requirement of  
9 staff. So that would be staff.

10          Q.       Did the school board contribute to  
11 that report?

12                  MS. REWARI: Object to the form.

13          A.       The school board never took any  
14 position on -- any formal position, and to the  
15 best of my knowledge we never saw that plan that  
16 was submitted.

17          Q.       Okay. Was it the board's  
18 understanding that that reporting requirement  
19 would occur every year moving forward?

20                  MS. REWARI: Object to the form to the  
21 extent it's asking for any individual board  
22 member's understanding.



1           A.     The board didn't take a position on  
2     the plan so I can't speak to understanding it.

3           Q.     And was it the board's understanding  
4     that the reporting requirements necessitated the  
5     change to the TJ admissions process?

6           MS. REWARI: Object to the form to the  
7     extent it's asking for individual board members'  
8     understanding.

9           A.     The board never took any position on  
10    understanding.

11          Q.     In the fall of 2020, was the board  
12    aware of potential state legislation that would  
13    have given the state control over TJ admissions?

14          MS. REWARI: Object to the form, lack  
15    of foundation.

16          A.     Restate that.

17          Q.     Sure. In the fall of 2020 was the  
18    school board aware of potential state legislation  
19    that would have given the state control or  
20    influence over TJ admissions?

21          MS. REWARI: Object to the form,  
22    vague.

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ACKNOWLEDGMENT OF DEPONENT

I, STELLA PEKARSKY, do hereby  
acknowledge that I have read and examined the  
foregoing testimony, and the same is a true,  
correct and complete transcription of the  
testimony given by me, and any corrections appear  
on the attached errata sheet signed by me.

\_\_\_\_\_

(Date)

\_\_\_\_\_

(Signature)

1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2  
3 I, Paula Flint, Certified Court  
4 Reporter and Notary Public, the officer before  
5 whom the foregoing deposition was taken, do  
6 hereby certify that the foregoing transcript is a  
7 true and correct record of the testimony given;  
8 that said testimony was taken by me  
9 stenographically and thereafter reduced to  
10 typewriting under my supervision; that reading  
11 and signing was requested; and that I am neither  
12 counsel for, related to, nor employed by any of  
13 the parties to this case and have no interest,  
14 financial or otherwise, in its outcome.

15 IN WITNESS WHEREOF, I have hereunto  
16 set my hand and affixed by notarial seal this  
17 2nd day of November 2021.

18 My commission expires January 31, 2023.

19 Notary Registration Number: 277127

20  
21  Paula M. Flint  
22